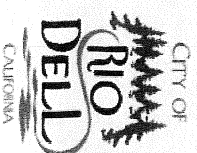


ATTACHMENT 7 41.



**Project Location:** The project is located within the City of Rio Dell on the east side of Wildwood Avenue, north of Painter Street and at the westerly ends of North Street and Pine Street.





This is an aerial map of a residential neighborhood. The map features a network of streets, including Rigby Ave, Gunnerston Ln, Bluff Pl, Curtis Ln, and others. Several parcels are highlighted in black, indicating areas of interest. Parcel numbers are visible throughout the map, such as 05223302, 05223308, and 05222220. A large blacked-out area is present in the lower-left quadrant.



[illegible]



Albin General Plan Amendment and Zone Reclassification

Community Commercial Development Standards.

**Previously provided.**



Albin General Plan Amendment and Zone Reclassification

Neighborhood Commercial Development Standards.

**Previously provided.**



Albin General Plan Amendment and Zone Reclassification

Parcel's Multiple Listing advertisement.

**Previously provided.**



Albin General Plan Amendment and Zone Reclassification

Initial Study and Mitigated Negative Declaration.

**Previously provided.**

**RESOLUTION NO. CC 1157-A-2012**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE  
ALBIN GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

**WHEREAS** Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

**WHEREAS** the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

**WHEREAS** the property was redesignated in 2004 to Community Commercial; and

**WHEREAS** it is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave; and

**WHEREAS** residential development of the parcel is consistent and compatible with the existing residential neighborhood; and

**WHEREAS** commercial development of the parcel could weaken the City's desire to maintain a core downtown area; and

**WHEREAS** based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is in the public interest**; and

**WHEREAS** the General Plan calls to monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities; and

**WHEREAS** based on information from the applicant's agent, the current demand for commercial land is less than that for residential land; and

**WHEREAS** the General Plan encourages residential infill development of vacant and underutilized land; and

**WHEREAS** based on existing General Plan goals and policies, the proposed amendments **can be found consistent the General Plan** and its implementation policies and programs; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and



**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

**WHEREAS** the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**WHEREAS** an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

**WHEREAS** through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

**WHEREAS** pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

**WHEREAS** the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell approves the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

**I HEREBY CERTIFY** that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5<sup>th</sup> day of June 2012 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Julie Woodall, Mayor

ATTEST:

---

Karen Dunham, City Clerk

**RESOLUTION NO. CC 1157-B-2012**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL DENYING THE ALBIN  
GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

**WHEREAS** Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

**WHEREAS** the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

**WHEREAS** the property was redesignated in 2004 to Community Commercial; and

**WHEREAS** there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City; and

**WHEREAS** at this point in time there doesn't appear to be need for additional residential lands within the City; and

**WHEREAS** in contrast there is only about 33 acres designated for Community Commercial development; and

**WHEREAS** there are only twenty (20) parcels in the City that area zoned Community Commercial; and

**WHEREAS** of those twenty parcels only four are vacant; and

**WHEREAS** of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet; and

**WHEREAS** the other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide; and

**WHEREAS** based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is not in the public interest** at this time; and

**WHEREAS** the General Plan calls to promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones; and

**WHEREAS** based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time; and

**WHEREAS** the General Plan requires the City to provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center; and

**WHEREAS** there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare; and

**WHEREAS** the General Plan encourages infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere; and

**WHEREAS** amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy; and

**WHEREAS** based on existing General Plan goals and policies, the proposed amendments **are not consistent the General Plan** and its implementation policies and programs; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

**WHEREAS** the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**WHEREAS** an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

**WHEREAS** through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

**WHEREAS** pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and



**WHEREAS** the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell denies the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

**I HEREBY CERTIFY** that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5<sup>th</sup> day of June 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Julie Woodall, Mayor

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk


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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



**For Meeting of: June 19, 2012**

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 12, 2012

Subject: CDBG Owner Occupied Rehabilitation Guidelines

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding revisions to the Owner Occupied Rehabilitation Guidelines;
2. Open the public hearing, receive public input and deliberate;
3. Adopt Resolution No. 1153-2012 amending the CDBG Owner Occupied Rehabilitation Guidelines.

**Discussion**

At your meeting of May 16, 2012 you considered changes to the CDBG Program Guidelines. Some of the changes are minor changes associated with typo's and updated income and rent limits.

In addition, in an attempt to encourage more folks to take advantage of the program, staff recommended that the City adopt a sliding scale interest rate based on income. The current interest rate for owner occupied rehabilitation loans is 3% simple interest. The City of Arcata recently lowered their interest rate to 1 ½%. The recommended sliding scale is based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%. Interest rate is simple interest deferred for a period up to fifteen (15) years and up to

thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income.

Staff also recommended that the interest rate for qualified Eligible Owner-Investor Units be amended from the current 7% interest to 5% interest. This recommendation was based on the current market interest rates.

Mayor Woodall raised the issue of whether or not the City is obligated to provide Owner-Investor loans. Furthermore, Council member Thompson suggested that Owner-Occupied loans be given priority over Owner-Investor loans. Staff checked with State representatives and the City is not obligated to provide Owner-Investor loans. As such, should the City continue to offer Owner-Investor loans, the City may prioritize Owner-Occupied loans.

The question of whether or not the Owner-Investor units had to be occupied by the owner was also raised. The Owner-Investor is not required to occupy one of the units, but is required to execute a Rent Limitation Agreement limiting rents to no more than Department of Housing and Community Development (HUD) Fair Market Rent (FMR) schedule.

Staff has submitted the proposed revisions to the State for their review and approval. The State has reviewed and preliminarily approved the recommended changes. Once the Council adopts the Resolution amending the Guidelines, the State has indicated that they will formally approve the changes.

### **Alternatives**

The Council could choose to not amend the Guidelines as recommended.

### **Attachments**

Attachment 1: Resolution No. 1153-2012 amending the City's Housing Rehabilitation Program Guidelines.

Attachment 2: Summary of recommended changes.



## RESOLUTION NO. 1153 - 2012

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING THE 2006 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING REHABILITATION PROGRAM GUIDELINES

**WHEREAS** the existing CDBG Housing Rehabilitation Program Guidelines were adopted in 2006; and

**WHEREAS** the purpose of the program is to expand the supply of decent, safe, sanitary and affordable housing; to correct health and safety hazards in deteriorated housing and to extend the useful life of existing housing units; and

**WHEREAS** loans and grants are available to achieve cost-effective repairs for low income owner occupied homes or for units occupied by low income tenants of owner-investors; and

**WHEREAS** the City took over administration of the program in June of 2011; and

**WHEREAS** staff has reformatted the Guidelines and determined that the Guidelines need to be amended; and

**WHEREAS** the Guidelines currently refer to the Uniform Building Code which has been superseded by the adoption of the California Building Code (CBC) in 2010; and

**WHEREAS** the current Guidelines refer to the 2006 Income Eligibility and Rental Limitation Requirements; and

**WHEREAS** the current interest rate for owner occupied rehabilitation loans is 3% simple interest; and

**WHEREAS** in an attempt to encourage more residents to take advantage of the program, the City would like to implement a sliding scale interest rate based on income; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell hereby amends the Guidelines as follows:

1. To reference the California Building Code; and
2. To reflect the current U.S. Department of Housing and Urban Development (HUD) 2012 Income and Rental Limitation rates; and
3. To include a sliding simple interest rate scale for Owner Occupied Rehabilitation Loans based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%; and
4. To reduce the interest rate for qualified Eligible Owner-Investor Units from the current 7% interest rate to a 5% interest rate; and
5. To allow the loan to be deferred for a period up to fifteen (15) years and up to thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income; and

**BE IT FURTHER RESOLVED** that the proposed changes will become effective upon written approval from the Department of Housing and Community Development.

**I HEREBY CERTIFY** that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the City Council of the City of Rio Dell on June 19, 2012 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

ATTEST:

\_\_\_\_\_  
Julie Woodall, Mayor

\_\_\_\_\_  
Karen Dunham, City Clerk

## **Proposed 2012 CDBG Housing Rehabilitation Program Guideline Amendments**

### **4) REHABILITATION STANDARDS...Pg. 3 Guidelines**

#### ***B) Prioritization of Rehabilitation Needs:***

2. Converting to current ~~Uniform~~ California Building Code (~~UBC~~) (CBC) standards: Examples include moving bathroom access to hallways or off of kitchen; stairs and porch upgrades.

### **5) FINANCING TERMS...Pg. 5 Guidelines**

#### ***D) Financing Terms for Eligible Owner-Occupied Property...Pg. 6 Guidelines***

Financing terms are made flexible to allow for maximum affordability.

- ~~1. The rehabilitation loan will be financed at 3% simple interest deferred for a period up to fifteen (15) years, thirty (30) years for homeowners over 65 and/or very low income.~~
1. The rehabilitation loan will be financed based on a sliding scale based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%. Interest rate is simple interest deferred for a period up to fifteen (15) years and up to thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income.

#### ***E) Financing Terms for Eligible Owner-Investor Units...Pg. 6 & 7 Guidelines***

1. Amortized loans with an interest rate of ~~seven~~ five percent (~~7%~~) (5%) will be provided to investors with qualified projects. Up to \$60,000 per unit is available. The term of the loan will be a minimum of 15 years but can be extended out to 30 years if the debt service on the property is too high and a lower payment is needed to allow for all necessary repairs to be done or to make the project financially feasible. The investor must produce documentation showing excessive debt on the property to get any changes to the rates and terms.



## INCOME ELIGIBILITY...Pg. 16 Guidelines

<b>TABLE A</b> <b>HUD Income Limits 2006 2012</b> <b>HUMBOLDT COUNTY</b>								
Household Size	1	2	3	4	5	6	7	8
Maximum Annual Income	\$28,450	\$32,500	\$36,600	\$40,650	\$43,900	\$47,150	\$50,400	\$53,650
Maximum Annual Income	\$34,450	\$37,050	\$41,700	\$46,300	\$50,050	\$53,750	\$57,450	\$61,150

## RENT LIMITATION AND TENANCY SCHEDULE AGREEMENT...Pg. 38 Guidelines

4. The following are the maximum rents which may be charged during the first year after rehabilitation has been completed, subject to annual adjustment based on changes in the FMR schedule, notwithstanding any change(s) of ownership or transfer(s) of the property:

Unit #	Unit Size (# of Bedrooms)	Monthly Rent		Utility Costs		Total
	Efficiency	\$455 \$572	+		=	
	1 Bedroom	\$533 \$670	+		=	
	2 Bedroom	\$701 \$882	+		=	
	3 Bedroom	\$1005 \$1265	+		=	

**CITY OF RIO DELL  
HOUSING REHABILITATION PROGRAM  
RENTAL LIMITATION SCHEDULE...Pg. 42 Guidelines**

2001-2012 Section 8 Fair Market Rent Schedule for Humboldt County:					
No. of Bedrooms	0	1	2	3	4
Rent Limitation	\$455	\$533	\$701	\$1005	\$1113
2012 Rent Limitation	\$572	\$670	\$882	\$1265	\$1401

Schedule of rents at 30% of 80% of median income:					
No. of Persons	1	2	3	4	5
Rent Limitation	\$711	\$812	\$915	\$1016	\$1097


At no time can the rent of a tenant exceed the Fair Market Rent Schedule. These guidelines are updated every year and may change. If you wish to check the status of the schedule call the City and ask them to check the status of the schedule. Also, if you have any questions about the schedule or program, please call the City at (707) 764-3532.


675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: June 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 14, 2012

Subject: Design Review Ordinance

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### Recommendation:

That the City:

1. Receive staff's report regarding the proposed Design Review Ordinance;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, public comments and the Planning Commission's recommendation;
4. Introduce Ordinance No. 291-2012 establishing Design Review Guidelines, Section 17.25.050 of the Rio Dell Municipal Code (RDMC and continue consideration of the proposed Ordinance to your meeting of July 3, 2012 for the second reading and adoption.
5. Set a date for a Joint Study Session with the Planning Commission regarding identifying historic structures in the downtown area and possible specific Design Review Guidelines for those structures.

### Background and Discussion

The General Plan calls for the establishment of Design Review regulations in an attempt to enhance and preserve the City's scenic qualities, promote quality designs, landscaping and to protect and maintain property values in the City.

The purpose of the design review process is to promote orderly and harmonious growth within the City. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code.

Instead of recommending strict and rigid development standards which often times limits creativity, staff is recommending **Guiding Principles and Design Concepts**. The Planning Commission supported this type of approach and unanimously recommended that the City Council approve the proposed Design Review Ordinance.

The Planning Commission also suggested by motion a Joint Study Session regarding identifying historic structures in the downtown area and possible specific Design Review Guidelines for such structures. Apparently in 2002 the City retained the services of Historic Resources Consultant Susie Van Kirk and Cultural Resources Consultant Kathleen Stanton to survey the downtown structures and make recommendations regarding potential improvements to maintain and sometimes restore those structures. Staff recommends that the Van Kirk and Stanton information and recommendations be presented and discussed at the Joint Study Session.

Below are the recommended **Guiding Principles**:

### **Guiding Principles**

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses; and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

These proposed regulations will apply to all lands within the City. All parcels will be designated with the Design Review Combining Zone "D". Except as otherwise exempt pursuant to **Section 17.250.050(3)** Design Review is required for the following:

- Major Subdivisions;
- Multi-family residential developments;
- Commercial development;
- Industrial development; and
- Public/quasi-public developments (e.g. public safety facilities, library, city facilities).



The following structures and improvements are recommended to be exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- Additions to structures less than 10% of its existing size;
- Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure.
- Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities **and** equipment);

Staff is recommending that the approving authority for Design Review be the Planning Commission. The Planning Commission will be empowered to review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and required findings.

At any point in the future, the City Council may, by Resolution, delegate the Approving Authority for Design Review to the City Council, a Design Review Committee, the Community Development Director and/or the City Manager.

The designated Approving Authority will have the authority to apply the "Guiding Principles" flexibly to account for circumstances relating to the site, provided the required findings in **Section 17.250.050(8)** are made and using the following Design Concepts:

### **Design Concepts**

**Residential Subdivisions.** The following Design Concepts generally apply to major subdivisions (e.g. five or more parcels) of land for residential purposes. Some of the Design Concepts will not apply, to certain projects due to the size of the development. However, these concepts will be applied whenever possible in the design of residential and mixed use projects. The City encourages:

(1) A balanced mix of land uses, including housing, schooling, and parks/open space, to meet the needs of residents as appropriate based on project scale. Large scale development proposals should also provide for employment, commercial/retail, recreational and entertainment needs of community residents.

(2) Pedestrian friendly neighborhoods, which are walkable in size with an obvious center. The neighborhood center should be a place of social interaction with a combination of commercial, civic, cultural and recreational uses.

(3) Housing diversity with a variety of housing types, sizes, and densities.

(4) Vehicle, bicycle, and pedestrian, and transit connectivity throughout the neighborhood and with the surrounding neighborhoods and uses. More specifically, neighborhoods should be designed with an interconnected street system that will blend well into the existing street system, diffuse traffic within the neighborhood, and minimize barriers within and between neighborhoods.

(5) Where feasible, joint-use of open space facilities such as drainage facilities, detention basins, utility corridors etc. for trails, bikeways and Parks.

(6) Maintaining significant natural features (e.g., terrain, drainage, vegetation).

(7) Minimization of urban runoff through the use of retention and detention facilities and the use of open bio-swale drainage channels

(8) Pedestrian friendly streetscapes that may include orientation of homes to common areas, parks, or other open space areas.

(9) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

**Residential Multi Family.** The following Design Concepts apply to the review of residential multi-family development. The City encourages:

(1) Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles.

(2) Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.

(3) Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.

(4) High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.

(5) The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.

(6) Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.

(7) Ensure that design provisions do not preclude the development of multi-family housing affordable to all income levels.

**Non-Residential Site Planning.** The following Design Concepts apply to site planning and design for non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.

(2) A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.

(3) Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.

(4) A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.

(5) Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate and other amenities for project employees.

(6) Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.

(7) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

**Non-Residential Architecture.** The following Design Concepts apply to non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) High quality building designs that consist of durable and maintainable materials and that provide visual interest and diversity to the community.

(2) Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.

(3) Design of buildings or structures that are sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.

(4) Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.

(5) High quality site design, including landscaping, signage and other elements of site design.

## Scope of Design Review

The recommended scope of Design Review is identified below by land use type.

- **Neighborhood Design - Major Subdivisions:**
  - Relationship of land uses and density
  - Lot configuration **and** orientation
  - Street design/relationship to existing street network
  - Orientation to open space and significant natural features
  - Bikeways, trails and pedestrian facilities and connectivity with other development
- **Multi-family Developments:**
  - Architecture- style, mass and scale, articulation, materials, and relationship to surrounding use and style
  - Site plan- unit placement, garage location
  - Landscaping and lighting for Multi-Family developments
  - Streetscape design
  - Fences and walls
  - Solar access and shading
- **Non-residential Development** (commercial, office, industrial, and public/quasi-public)
  - Architecture- style or theme, mass and scale, articulation, materials, relationship to surrounding use and style
  - Site plan- building location/orientation to street, parking, grading, relationship to surrounding property
  - Access- vehicular and pedestrian
  - Pedestrian amenities
  - Landscaping and lighting
  - Edge treatment between uses and different zones
  - Loading and services (trash and recycling)
  - Mechanical screening
  - Signs

## Design Review Process

**Application Submittal.** Design Review applications shall be submitted to the Planning Department on a City application form. All plans shall be professionally drawn by qualified individuals, drawn at a reasonable scale to clearly identify the improvements and shall be on 18" x 24" or 24" x 36" and shall conform to the following requirements:

- **Building Plans and Elevations** shall identify the materials, colors, textures, etc.
- **Landscaping Plans** shall include common name, botanical name, size of plants/trees at planting and maturity, location, spacing, lawns, hardscape, walkways, streetscape furniture (i.e. benches, bicycle racks, art, water features,



kiosks, bus shelters, etc.), ground cover, weed treatment, finished contours, parking areas, curbs, gutters, sidewalks and the edge of pavement.

- **Irrigation Plans** shall include location of sprinkler heads, and/or drip irrigation, location and size of irrigation pipe, water meters, backflow prevention devices, control valves, etc.
- **Photometric Plans** shall include the type, location, height, style and limits of the predicted maintained lighting levels of the proposed lighting fixtures.
- **Sign Plans** shall include the location, type (e.g. wall mounted, monument, pylon), size, color, font styles and lighting details.

**Application Review.** Design Review shall generally occur within the framework of other project reviews/approvals associated with a given project. In such cases, the Planning Department shall circulate the project for review and comment by appropriate departments, entities, and agencies prior to public hearing by the designated Approving Authority. Where no other discretionary action is associated with a project that is subject to Design Review, the Planning Director shall, within 15 working days of application submittal, determine whether or not the application is complete.

The applicant shall be notified in writing of the determination of application completeness. Once any required review by related departments, entities, and agencies has been completed, the Planning staff shall prepare a report to the Planning Commission on the project with a recommendation for approval, conditional approval or denial of the Design Review application.

### **Design Review Determination**

**Findings for Design Review Approvals.** Design Review approvals shall be granted only when the designated Approving Authority makes all of the following findings:

- (1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principles" and "Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC).
- (2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
- (3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

(4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

**Additional Findings for Residential Design Review Applications.** Design Review applications for single-family residential subdivision maps shall be granted only when the designated Approving Authority makes the additional finding that the residential subdivision is well integrated with the City's street network, creates desirable neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

### **Procedures for Zoning Ordinance Amendments**

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

## **Zone Reclassification Required Finding:**

### **1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

Section 65860(a) of the Government Code requires that zoning ordinances and amendments be consistent with the General Plan and any applicable specific plan. The General Plan, Implementation Table, Table 1-3, calls for the development of Design Review Standards. As such the proposed Design Review Ordinance is consistent with the General Plan.

### **2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).**

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendment will have a significant effect on the environment.

## **Financial Impact**

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

## **Alternatives**

The City Council may choose not to recommend approval of the proposed Design Review Ordinance. Staff does not recommend this alternative. The Planning Commission unanimously recommended approval of the proposed Design Review Ordinance.

## **Attachments:**

1. Draft Ordinance No. 291-2012 establishing a Design Review Ordinance, Section 17.25.050 of the Rio Dell Municipal Code.
2. Design Review Handout

**ORDINANCE NO. 291 - 2012**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
ESTABLISHING DESIGN REVIEW REGULATIONS,  
SECTION 17.25.050 OF THE RIO DELL MUNICIPAL CODE:**

**THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:**

**WHEREAS** the General Plan contains policies that encourage architectural guidelines; and

**WHEREAS** the General Plan contains implementation measures that call for the development of Design Review standards and guidelines; and

**WHEREAS** the purpose of the Design Review process is to promote orderly and harmonious growth within the City; and

**WHEREAS** the Design Review process is intended to preserve and improve the scenic amenities of the City and to protect the City's natural environment, its scenic vistas and the community's overall aesthetic quality; and

**WHEREAS** the Design Review process encourages good quality design, including the use of harmonious materials and colors, and the appropriate use of landscaping; and

**WHEREAS** in addition to protecting the City's scenic and natural resources, the Design Review process is intended to protect and maintain property values; and

**WHEREAS** the intent of the Design Review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code; and

**WHEREAS** the City has reviewed and processed the proposed Design Review Ordinance in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed Design Review Ordinance in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed Design Review Ordinance is deemed to be in the public interest; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed Design Review Ordinance is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and



**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Design Review Ordinance has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

**WHEREAS** the proposed Design Review Ordinance has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**WHEREAS** the City has determined that the establishment of a Design Review Ordinance is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Rio Dell:

1. Finds that the proposed Design Review Ordinance is in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Design Review Ordinance have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Approves the proposed Design Review Ordinance.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Rio Dell does hereby ordain as follows:

## **Section 1.**

### **1. Purpose and Intent**

The purpose of the design review process is to promote orderly and harmonious growth within the City. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code. This Chapter also includes "Guiding Principles" and "Design Concepts" to be used by the designated Approving Authority in reviewing proposed projects for design consistency the City's standards.

### **2. Design Review Applicability**

These regulations shall apply to lands designated with the Design Review Combining Zone "D" on the Zoning Maps. In addition, except as otherwise exempt pursuant to **Section 17.250.050(3)** Design Review is required for the following:

- (a) Major Subdivisions;
- (b) Multi-family residential developments;
- (c) Commercial development;
- (d) Industrial development; and
- (e) Public/quasi-public developments (e.g. public safety facilities, library, City facilities).

### 3. Design Review Exemptions

The following structures and improvements are exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- (a) Additions to structures less than 10% of its existing size;
- (b) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- (c) Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- (d) Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities **and** equipment);

### 4. Approving Authority

The Approving Authority for Design Review shall be the Planning Commission. The Planning Commission shall review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and findings identified herein. At any point in the future, the City Council may delegate the Approving Authority for Design Review to the City Council, a Design Review Committee, the Community Development Director and/or the City Manager. Subsequent delegation of Approving Authority shall be adopted by Resolution, identifying the City's designated Approving Authority, along with any special regulations for review and action on Design Review applications.

Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Maps, Conditional Use Permit, Variance), except as otherwise exempted pursuant to **Section 17.250.050(3)** of this Chapter.

### 5. Guiding Principles and Design Concepts

This Chapter provides a set of "Guiding Principles" and "Design Concepts" setting forth various aesthetic and functional provisions to guide residential, commercial, office, industrial and public/quasi public development in the City. The "Guiding Principles" are listed below. Over time, the City may, by ordinance amending this section, refine or expand these principles and concepts to reflect the changing desires of the community.

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

The designated Approving Authority under this Chapter shall have the authority to apply the "Guiding Principles" flexibly to account for circumstances relating to the site, provided the required findings in **Section 17.250.050(8)** are made and using the following Design Concepts:

**(a) Residential Subdivisions.** The following Design Concepts generally apply to major subdivisions (e.g. five or more parcels) of land for residential purposes. Some of the Design Concepts will not apply, to certain projects due to the size of the development. However, these concepts will be applied whenever possible in the design of residential and mixed use projects. The City encourages:

(1) A balanced mix of land uses, including housing, schooling, and parks/open space, to meet the needs of residents as appropriate based on project scale. Large scale development proposals should also provide for employment, commercial/retail, recreational and entertainment needs of community residents.

(2) Pedestrian friendly neighborhoods, which are walkable in size with an obvious center. The neighborhood center should be a place of social interaction with a combination of commercial, civic, cultural and recreational uses.

(3) Housing diversity with a variety of housing types, sizes, and densities.

(4) Vehicle, bicycle, and pedestrian, and transit connectivity throughout the neighborhood and with the surrounding neighborhoods and uses. More specifically, neighborhoods should be designed with an interconnected street system that will blend well into the existing street system, diffuse traffic within the neighborhood, and minimize barriers within and between neighborhoods.

(5) Where feasible, joint-use of open space facilities such as drainage facilities, detention basins, utility corridors etc. for trails, bikeways and Parks.

(6) Maintaining significant natural features (e.g., terrain, drainage, vegetation).

(7) Minimization of urban runoff through the use of retention and detention facilities and the use of open bio-swale drainage channels

(8) Pedestrian friendly streetscapes that may include orientation of homes to common areas, parks, or other open space areas.

(9) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

**(b) Residential Multi Family.** The following Design Concepts apply to the review of residential multi-family development. The City encourages:

(1) Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles.

(2) Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.

(3) Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.

(4) High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.

(5) The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.

(6) Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.

(7) Ensure that design provisions do not preclude the development of multi-family housing affordable to all income levels.

**(c) Non-Residential Site Planning.** The following Design Concepts apply to site planning and design for non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.

(2) A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.

(3) Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.

(4) A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.

(5) Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate, and other amenities for project employees.

(6) Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.

(7) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

**(d) Non-Residential Architecture.** The following Design Concepts apply to non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) High quality building designs that consist of durable and maintainable materials and that provide visual interest and diversity to the community.

(2) Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.

- (3) Design of buildings or structures that are sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.
- (4) Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.
- (5) Incorporate quality site design, including landscaping, signage and other elements of site design.

## 6. Scope of Design Review

To implement the principles and concepts in **Section 17.250.050(5)** the scope of Design Review is listed below by land use type. Applications for Design Review shall include adequate information to evaluate the project. Specific application submittal requirements shall be listed on the application form distributed by the Planning Department.

- (a) **Neighborhood Design - Major Subdivisions:**
  - Relationship of land uses and density
  - Lot configuration **and** orientation
  - Street design/relationship to existing street network
  - Orientation to open space and significant natural features
  - Bikeways, trails and pedestrian facilities and connectivity with other development
- (b) **Multi-family Developments:**
  - Architecture- style, mass and scale, articulation, materials, and relationship to surrounding use and style
  - Site plan- unit placement, garage location
  - Landscaping and lighting for Multi-Family developments
  - Streetscape design
  - Fences and walls
  - Solar access and shading
- (c) **Non-residential Development** (commercial, office, industrial, and public/quasi-public)
  - Architecture- style or theme, mass and scale, articulation, materials, relationship to surrounding use and style
  - Site plan- building location/orientation to street, parking, grading, relationship to surrounding property
  - Access- vehicular and pedestrian
  - Pedestrian amenities
  - Landscaping and lighting
  - Edge treatment between uses and different zones
  - Loading and services (trash and recycling)
  - Mechanical screening
  - Signs

## 7. Design Review Process

- (a) **Application Submittal.** Design Review applications shall be submitted to the Planning Department on a City application form. All plans shall be professionally drawn by qualified individuals, drawn at a reasonable scale to clearly identify the improvements and shall be on 18" x 24" or 24" x 36" and shall conform to the following requirements:



- **Building Plans and Elevations** shall identify the materials, colors, textures, etc.
- **Landscaping Plans** shall include common name, botanical name, size of plants/trees at planting and maturity, location, spacing, lawns, hardscape, walkways, streetscape furniture (i.e. benches, bicycle racks, art, water features, kiosks, bus shelters, etc.), ground cover, weed treatment, finished contours, parking areas, curbs, gutters, sidewalks and the edge of pavement.
- **Irrigation Plans** shall include location of sprinkler heads, and/or drip irrigation, location and size of irrigation pipe, water meters, backflow prevention devices, control valves, etc.
- **Photometric Plans** shall include the type, location, height, style and limits of the predicted maintained lighting levels of the proposed lighting fixtures.
- **Sign Plans** shall include the location, type (e.g. wall mounted, monument, pylon), size, color, font styles and lighting details.

**(b) Application Review.** Design Review shall generally occur within the framework of other project reviews/approvals associated with a given project. In such cases, the Planning Department shall circulate the project for review and comment by appropriate departments, entities, and agencies prior to public hearing by the designated Approving Authority. Where no other discretionary action is associated with a project that is subject to Design Review, the Planning Director shall, within 15 working days of application submittal, determine whether or not the application is complete. The applicant is encouraged to contact staff prior to submitting the application for a preliminary review of the project. The applicant shall be notified in writing of the determination of application completeness. Once any required review by related departments, entities, and agencies has been completed, the Planning staff shall prepare a report to the designated Approving Authority on the project with a recommendation for approval, conditional approval or denial of the Design Review application. Planning staff shall be responsible for assimilating the comments and recommendations of related departments and agencies into project modifications or Conditions of Approval, as well as to ensure conformance with applicable provisions of the Municipal Code, and any subsequently adopted standards, guidelines, or area plans.

**(c) Environmental Review.** The project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). Design Review shall generally not result in the need for CEQA evaluation for a project that is otherwise exempt.

**(d) Notice and Hearing/Determination.** Public notice and hearings for Design Review applications under consideration by the designated Approving Authority shall be conducted in accordance with Chapter 17.35 of the Rio Dell Municipal Code (RDMC). The notice shall identify the subject parcel, describe the request, and identify the date of the meeting. The notice shall also identify the opportunity to provide input prior to the determination and the right to appeal the determination in accordance with this Chapter.

**(e) Appeals.** Appeals shall be conducted in accordance with **Section 17.35.050** of the Rio Dell Municipal Code (RDMC).

## 8. Design Review Determination

**(a) Findings for Design Review Approvals.** Design Review approvals shall be granted only when the designated Approving Authority makes all of the following findings:

(1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principles" and "Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC).

(2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

(3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

(4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

**(b) Additional Findings for Residential Design Review Applications.** Design Review applications for single-family residential subdivision maps shall be granted only when the designated Approving Authority makes the additional finding that the residential subdivision is well integrated with the City's street network, creates desirable neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

**(c) Conditions.** The designated Approving Authority may require modifications to plans in whole or in part and may condition the Design Review application to ensure specific design features, construction materials, and conformance with all applicable provisions of this chapter.

**(d) Permit Issuance.** Approval of the Design Review application shall only become valid upon completion of the designated ten-day appeal period.

**(e) Permit Term.** Where Design Review is approved in conjunction with a related action, the Design Review approval shall remain valid for a period consistent with related review/approval. Where no other discretionary review/approval is required, the Design Review approval shall be valid for a period of three (3) years from the date of final approval.

## Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

#### **Section 4. CEQA Compliance**

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance. Any environmental affects associated with adoption and implementation of the Ordinance would be beneficial in nature.

#### **Section 5. Effective Date**

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 19, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 3<sup>rd</sup> of July 2012 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

\_\_\_\_\_  
Julie Woodall, Mayor

\_\_\_\_\_  
Karen Dunham, City Clerk

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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



## Design Review

Design Review is required for all major (five or more parcels) residential subdivisions, multi-family, commercial, industrial and public and quasi public developments. Design review is a discretionary process established to ensure quality development in accordance with the City's Design Guidelines and to ensure that the appearance of development will be compatible and harmonious with the use and enjoyment of surrounding properties. Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Conditional Use Permit, Variance).

### Guiding Principles

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

### Pre-Application Meeting

Prior to submitting a formal application, the City encourages the applicant to schedule a Preliminary Review meeting (\$75.00) with the Planning Department to review and discuss the project.

### Submittal Requirements

- Completed Application
- Owners labels within 300 feet of the project site with notarized Letter of Certification
- Completed Environmental Questionnaire
- Building Plans (10 copies) and Elevations (10 color copies and CD pdf or jpeg copy)
- Landscaping Plans (10 color copies and CD pdf or jpeg copy)
- Irrigation Plans (2 copies)
- Photometric Plans (2 copies)
- Sign Plans (2 copies)
- Preliminary Title Report current within 6 months of application
- Deposit: \$500.00 made payable to the City of Rio Dell

Please note that the application can only be deemed complete upon submittal of **ALL** the above materials. Please refer to Ordinance 291-2012 for additional information, or contact the Planning Department at (707) 764-3532.


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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: June 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 14, 2012

Subject: Eel River Industrial Park General Plan Amendment and Zone Reclassification

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**Recommendation:**

That the City:

1. Receive staff's report regarding the proposed General Plan Amendment and Zone Reclassification;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, public comments and the Planning Commission's recommendation;
4. Introduce Ordinance No. 292-2012 and Resolution No. 1156-2012 amending the plan and zoning designation of approximately 18 acres from Public Facility to Industrial Commercial and about 7 acres from Public Facility to Natural Resources and continue consideration of the proposed Ordinance and Resolution to your meeting of July 3, 2012 for the second reading and adoption.

**Background**

In 2008, the City annexed a 244.6-acre area located on the north side of the Eel River to the City. This area included the old non-operational Eel River Sawmill, forested land, open space, pasture, existing commercial/industrial uses along HWY 101, and railroad ROW. The reasons for the annexation were to provide a potential site for a proposed City wastewater treatment plant (WWTP), incorporating the existing commercial/industrial uses along Highway 101 into the City of Rio Dell, and preserving pasture and open space for use as treated wastewater disposal



area. To permit the planned land uses, these areas were designated Industrial/Commercial (IC), Public Facility (PF) and Natural Resources (NR), respectively. Prior to annexation the County designation of the area was Heavy Industrial.

In 2010 the City and the City Engineers determined that it was more economically feasible to upgrade the WWTP on the existing footprint, rather than build a new facility at the Eel River Industrial Park. As such, there is no need for the privately owned 25+/- acre parcel to be designated Public Facility.

The proposed project is to amend the current plan designation of about 25 acres from Public Facility (PF). Approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC). Please refer to Figures 1 and 2. The Planning Commission unanimously recommended approval of the proposed amendments at their meeting of May 30, 2012.

### **Procedures for Plan Amendments**

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action should be referred to and circulated for 45 days to: the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

### **Procedures for Zoning Ordinance Amendments**

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

#### **Plan and Zone Amendment Required Findings:**

##### **1. The proposed amendments are deemed to be in the public interest.**

The Public Facility designation is intended to be applied to lands owned by public agencies or to lands upon which such agencies operate public facilities. At this time there is no intention by the City to acquire any of the land or to site any public facilities at the Industrial Park. Therefore, staff believes it is in the public interest to redesignate the land from Public Facility to Industrial Commercial and Natural Resources.

##### **2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.**

There are no specific General Plan policies or programs which affect the proposed amendments. The General Plan is intended to be amended from time to time to address changes in base information. The fact that the City has decided not to site the Waste Water Treatment Plant (WWTP) at the Industrial Park is a change in base information and thus the General Plan should be amended to reflect this change. Therefore, staff believes the proposed amendments are consistent with an overall comprehensive view of the General Plan.

### **3. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).**

In accordance with State CEQA Guidelines §15168, Mitigated Negative Declaration (MND) was prepared to evaluate the proposed amendment at a programmatic level consistent with the programmatic nature of the proposed action. Because specific development proposals are not yet available, the Initial Study evaluated the development of the proposed amendment area (e.g., "amendment area") under the maximum densities and intensities permitted under the proposed City land use designations, zoning (e.g., highest and best use). This will allow the property owners the flexibility to propose a range of uses in the future, so long as they are consistent with the proposed designations/zoning as provided for in the City General Plan and implementing ordinances.

An IS/MND was prepared by the City in 2008 that evaluated the 244.6-acre Sawmill Annexation Area, including the amendment area, and application of the Public Facility (PF) designation to the amendment area. The IS/MND was adopted by the City, and the annexation was approved by the City and Humboldt Local Agency Formation Commission (HLAFCo), in 2008. Therefore, the City has already planned capacity for development of the amendment area, a portion of which already contains a non-operational sawmill, with light industrial uses. In addition, because the 2008 Sawmill Annexation IS/MND identified a suite of mitigation measures required to avoid significant environmental effects associated with development of the Sawmill Annexation Area, including the amendment area, many of the mitigation measures identified in the 2008 IS/MND continue to apply. Therefore, the 2008 IS/MND is incorporated into the current IS/MND by reference.

The City referred the Initial Study and Mitigated Negative Declaration to the State Clearing House for public and agency review on April 23, 2012. The review period officially ended on May 22, 2012. Only the Regional Water Quality Control Board commented on the environmental document. Their comments were general in nature and did not identify anything specifically regarding the proposed amendments.

#### **Financial Impact**

The City is responsible for the costs associated with processing the proposed amendments. The staff time associated with the processing of the amendment is included in the current budget. Therefore, no additional budget costs will be incurred.

#### **Alternatives**

The Planning Commission could recommend that the City Council not pursue the proposed amendments. This alternative is not recommended because the City no longer has any intentions on developing the WWTP at the site.

#### **Figures and Attachments**

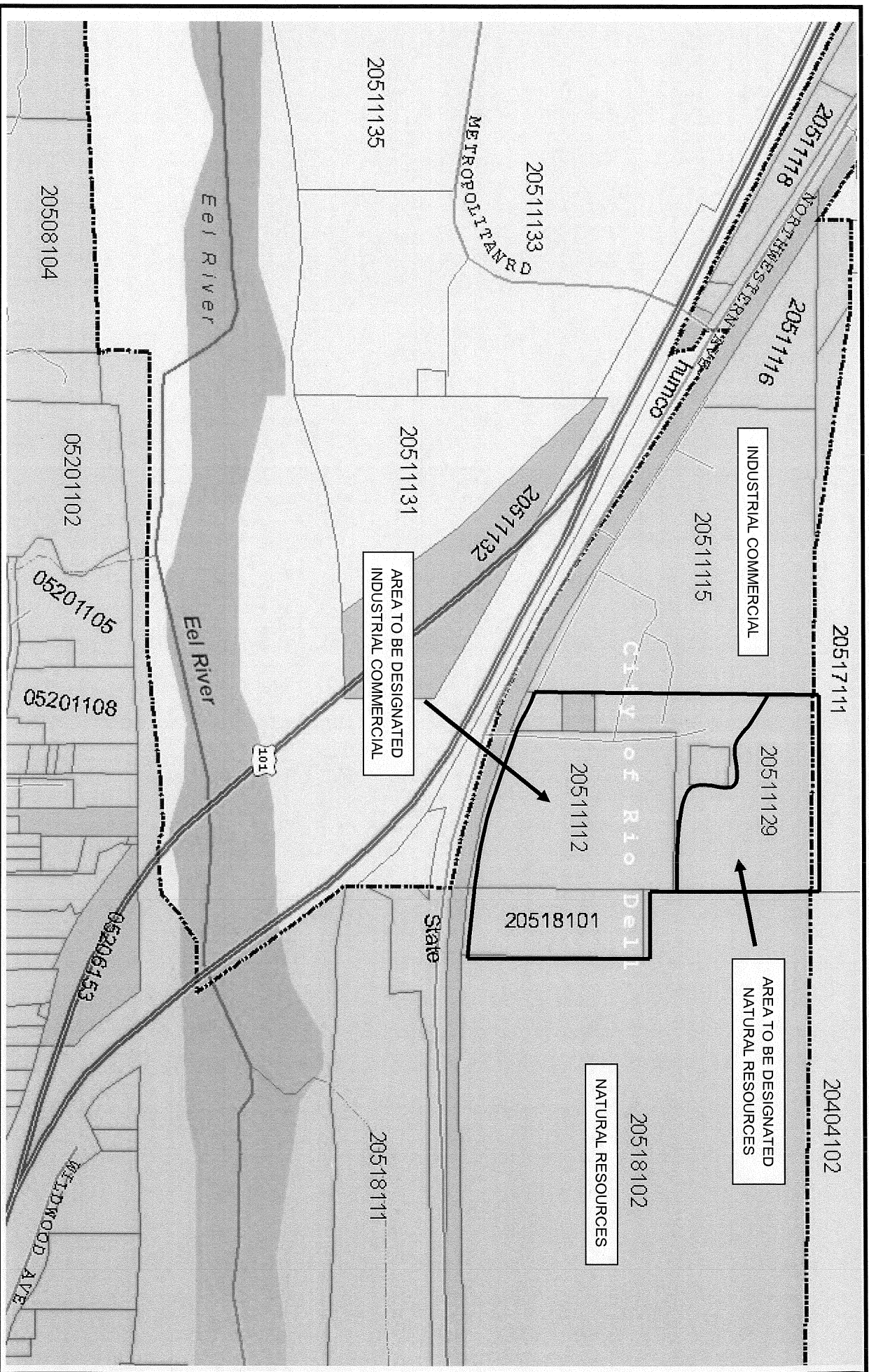
Figures 1 & 2: Maps illustrating the recommended changes.

Attachment 1: Resolution No. 1156-2012 approving and adopting the proposed General Plan Amendment.

Attachment 2: Ordinance No. 292-2012 approving and adopting the proposed Zone  
Reclassification

Attachment 3: Initial Study and Mitigated Negative Declaration.





**Eel River Industrial Park General Plan Amendment and Zone Reclassification**

An application to amend the current plan designation of about 25 acres from Public Facility (PF). Approximately 7 acres will be redesignated to Natural Resources (NR) and approximately 18 acres will be redesignated to Industrial Commercial (IC). The area was annexed to the City in 2008. Prior to annexation the County designation of the area was Heavy Industrial. After annexation the area was designated Public Facility (PF) in anticipation of the site being used for the City's Waste Water Treatment Plant (WWTP).



